

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grimsley offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6 Section 1. Paragraphs (a), (g), (h), (i), (j), and (k) of  
7 subsection (4) and subsections (5) and (6) of section 14.204,  
8 Florida Statutes, are amended to read:

9 14.204 Agency for Enterprise Information Technology.—The  
10 Agency for Enterprise Information Technology is created within  
11 the Executive Office of the Governor.

12 (4) The agency shall have the following duties and  
13 responsibilities:

14 (a) Develop strategies for the planning, design, delivery,  
15 implementation, and management of ~~the~~ enterprise information  
16 technology services established in law, including the state data  
781675

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Amendment No.

17 center system services established pursuant to s. 282.201, the  
18 information technology security service established in s.  
19 282.318, and the statewide e-mail service established in s.  
20 282.34.

21 (g) Coordinate technology resource acquisition planning  
22 and assist the Division of Purchasing of the Department of  
23 Management Services in procurement negotiations for technology  
24 hardware and software products and services in order to improve  
25 the efficiency and reduce the cost of enterprise information  
26 technology services.

27 ~~(h) In consultation with the Division of Purchasing in the~~  
28 ~~Department of Management Services, coordinate procurement~~  
29 ~~negotiations for information technology products as defined in~~  
30 ~~s. 282.0041 which will be used by multiple agencies.~~

31 (h)-(i) In coordination with, and through the services of,  
32 the Division of Purchasing in the Department of Management  
33 Services, establish best practices for the procurement of  
34 information technology products as defined in s. 282.0041 in  
35 order to achieve savings for the state.

36 (i)-(j) Develop information technology standards for  
37 enterprise information technology services as defined in s.  
38 282.0041.

39 (j)-(k) Provide annually, by December 31, recommendations  
40 to the Legislature relating to techniques for consolidating the  
41 purchase of information technology commodities and services,  
42 which result in savings for the state, and for establishing a  
43 process to achieve savings through consolidated purchases.

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

44 (5) ~~The Office of Information Security shall be created~~  
45 ~~within the agency.~~ The agency shall designate a state Chief  
46 Information Security Officer who shall ~~oversee the office and~~  
47 report directly to the executive director.

48 (6) The agency shall operate in a manner that ensures the  
49 participation and representation of state agencies ~~and the~~  
50 ~~Agency Chief Information Officers Council established in s.~~  
51 ~~282.315.~~

52 Section 2. Subsection (10) of section 20.315, Florida  
53 Statutes, is amended to read:

54 20.315 Department of Corrections.—There is created a  
55 Department of Corrections.

56 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be  
57 only one offender-based information and records computer system  
58 maintained by the Department of Corrections for the joint use of  
59 the department and the Parole Commission. This data system shall  
60 be managed through the department's Office of Information  
61 Technology Justice Data Center. The department shall develop and  
62 maintain, in consultation with the Criminal and Juvenile Justice  
63 Information Systems Council under s. 943.08, such offender-based  
64 information, including clemency administration information and  
65 other computer services to serve the needs of both the  
66 department and the Parole Commission. The department shall  
67 notify the commission of all violations of parole and the  
68 circumstances thereof.

69 Section 3. Subsections (4) through (30) of section  
70 282.0041, Florida Statutes, are renumbered as subsections (2)

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

71 through (28), respectively, and present subsections (2), (3),  
72 and (19) of that section are amended to read:

73 282.0041 Definitions.—As used in this chapter, the term:

74 ~~(2) "Agency chief information officer" means the person~~  
75 ~~employed by the agency head to coordinate and manage the~~  
76 ~~information technology functions and responsibilities applicable~~  
77 ~~to that agency, to participate and represent the agency in~~  
78 ~~developing strategies for implementing enterprise information~~  
79 ~~technology services established pursuant to this part, and to~~  
80 ~~develop recommendations for enterprise information technology~~  
81 ~~policy.~~

82 ~~(3) "Agency Chief Information Officers Council" means the~~  
83 ~~council created in s. 282.315.~~

84 ~~(17)(19) "Primary data center" means a state or nonstate~~  
85 ~~agency data center that is a recipient entity for consolidation~~  
86 ~~of nonprimary data centers and computing facilities and is~~  
87 ~~established. A primary data center may be authorized in law or~~  
88 ~~designated by the Agency for Enterprise Information Technology~~  
89 ~~pursuant to s. 282.201.~~

90 Section 4. Subsection (1) of section 282.0056, Florida  
91 Statutes, is amended to read:

92 282.0056 Development of work plan; development of  
93 implementation plans; and policy recommendations.—

94 (1) For the purposes of carrying out its responsibilities  
95 under s. 282.0055, the Agency for Enterprise Information  
96 Technology shall develop an annual work plan within 60 days  
97 after the beginning of the fiscal year describing the activities  
98 that the agency intends to undertake for that year, including

781675

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Amendment No.

99 proposed outcomes and completion timeframes for the planning and  
100 implementation of all enterprise information technology  
101 services. The work plan must be presented at a public hearing  
102 and that includes the Agency Chief Information Officers Council,  
103 ~~which may review and comment on the plan. The work plan must~~  
104 thereafter be approved by the Governor and Cabinet and submitted  
105 to the President of the Senate and the Speaker of the House of  
106 Representatives. The work plan may be amended as needed, subject  
107 to approval by the Governor and Cabinet.

108 Section 5. Subsections (2) through (5) of section 282.201,  
109 Florida Statutes, are amended to read:

110 282.201 State data center system; agency duties and  
111 limitations.—A state data center system that includes all  
112 primary data centers, other nonprimary data centers, and  
113 computing facilities, and that provides an enterprise  
114 information technology service as defined in s. 282.0041, is  
115 established.

116 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—  
117 The Agency for Enterprise Information Technology shall:

118 (a) Collect and maintain information necessary for  
119 developing policies relating to the data center system,  
120 including, but not limited to, an inventory of facilities.

121 (b) Annually approve cost-recovery mechanisms and rate  
122 structures for primary data centers which recover costs through  
123 charges to customer entities.

124 (c) By September ~~December~~ 31 of each year, submit to the  
125 Legislature, the Executive Office of the Governor, and the  
126 primary data centers recommendations to improve the efficiency

781675

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Amendment No.

127 and cost-effectiveness ~~effectiveness~~ of computing services  
128 provided by state data center system facilities. Such  
129 recommendations may include, but need not be limited to:

130 1. Policies for improving the cost-effectiveness and  
131 efficiency of the state data center system and the projected  
132 cost savings resulting from their implementation.

133 2. Infrastructure improvements supporting the  
134 consolidation of facilities or preempting the need to create  
135 additional data centers or computing facilities.

136 3. Standards for an objective, credible energy performance  
137 rating system that data center boards of trustees can use to  
138 measure state data center energy consumption and efficiency ~~on a~~  
139 ~~biannual basis.~~

140 4. Uniform disaster recovery standards.

141 5. Standards for primary data centers to provide cost-  
142 effective services and ~~providing~~ transparent financial data to  
143 user agencies.

144 6. Consolidation of contract practices or coordination of  
145 software, hardware, or other technology-related procurements and  
146 the projected cost savings.

147 7. Improvements to data center governance structures.

148 (d) By October 1 of each year beginning in 2011 ~~2009~~,  
149 provide recommendations ~~recommend~~ to the Governor and  
150 Legislature regarding changes to the schedule for agency data  
151 center consolidation established in subsection (4) ~~at least two~~  
152 ~~nonprimary data centers for consolidation into a primary data~~  
153 ~~center or nonprimary data center facility.~~

781675

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Amendment No.

154 ~~1. The consolidation proposal must provide a transition~~  
155 ~~plan that includes:~~

156 ~~a. Estimated transition costs for each data center or~~  
157 ~~computing facility recommended for consolidation;~~

158 ~~b. Detailed timeframes for the complete transition of each~~  
159 ~~data center or computing facility recommended for consolidation;~~

160 ~~e. Proposed recurring and nonrecurring fiscal impacts,~~  
161 ~~including increased or decreased costs and associated budget~~  
162 ~~impacts for affected budget entities;~~

163 ~~d. Substantive legislative changes necessary to implement~~  
164 ~~the transition; and~~

165 ~~e. Identification of computing resources to be transferred~~  
166 ~~and those that will remain in the agency. The transfer of~~  
167 ~~resources must include all hardware, software, staff, contracted~~  
168 ~~services, and facility resources performing data center~~  
169 ~~management and operations, security, backup and recovery,~~  
170 ~~disaster recovery, system administration, database~~  
171 ~~administration, system programming, job control, production~~  
172 ~~control, print, storage, technical support, help desk, and~~  
173 ~~managed services but excluding application development.~~

174 ~~1.2. Recommendations shall be based on the goal of~~  
175 ~~maximizing current and future cost savings by. The agency shall~~  
176 ~~consider the following criteria in selecting consolidations that~~  
177 ~~maximize efficiencies by providing the ability to:~~

178 ~~a. Consolidating Consolidate purchase decisions;~~

179 ~~b. Leveraging Leverage expertise and other resources to~~  
180 ~~gain economies of scale;~~

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

181 c. Implementing ~~Implement~~ state information technology  
182 policies more effectively; and

183 d. Maintaining ~~Maintain~~ or improving ~~improve~~ the level of  
184 service provision to customer entities; ~~and~~

185 ~~e. Make progress towards the state's goal of consolidating~~  
186 ~~data centers and computing facilities into primary data centers.~~

187 ~~2.3.~~ The agency shall establish workgroups as necessary to  
188 ensure participation by affected agencies in the development of  
189 recommendations related to consolidations.

190 ~~(e) By December 31, 2010, the agency shall develop and~~  
191 ~~submit to the Legislature an overall consolidation plan for~~  
192 ~~state data centers. The plan shall indicate a timeframe for the~~  
193 ~~consolidation of all remaining nonprimary data centers into~~  
194 ~~primary data centers, including existing and proposed primary~~  
195 ~~data centers, by 2019.~~

196 ~~(e)~~ ~~(f)~~ Develop and establish rules relating to the  
197 operation of the state data center system which comply with  
198 applicable federal regulations, including 2 C.F.R. part 225 and  
199 45 C.F.R. The agency shall provide notice of the development of  
200 its proposed rules by publication of a notice of development in  
201 the Florida Administrative Weekly no later than October 1, 2011.

202 The rules shall ~~may~~ address:

203 1. Ensuring that financial information is captured and  
204 reported consistently and accurately.

205 2. Implementing standards for hardware, operations  
206 software, including security, and network infrastructure for the  
207 primary data centers ~~Requiring the establishment of service~~

781675

Approved For Filing: 4/5/2011 1:58:39 PM



Amendment No.

208 ~~level agreements executed between a data center and its customer~~  
209 ~~entities for services provided.~~

210 3. Requiring annual full cost recovery on an equitable  
211 rational basis. The cost-recovery methodology must ensure that  
212 no service is subsidizing another service and may include  
213 adjusting the subsequent year's rates as a means to recover  
214 deficits or refund surpluses from a prior year.

215 4. Requiring that any special assessment imposed to fund  
216 expansion is based on a methodology that apportions the  
217 assessment according to the proportional benefit to each  
218 customer entity.

219 5. Requiring that rebates be given when revenues have  
220 exceeded costs, that rebates be applied to offset charges to  
221 those customer entities that have subsidized the costs of other  
222 customer entities, and that such rebates may be in the form of  
223 credits against future billings.

224 6. Requiring that all service-level agreements have a  
225 contract term of up to 3 years, but may include an option to  
226 renew for up to 3 additional years contingent on approval by the  
227 board, and require at least a 180-day notice of termination.

228 ~~7. Designating any nonstate data center as a primary data~~  
229 ~~center if the center:~~

230 ~~a. Has an established governance structure that represents~~  
231 ~~customer entities proportionally.~~

232 ~~b. Maintains an appropriate cost-allocation methodology~~  
233 ~~that accurately bills a customer entity based on the actual~~  
234 ~~direct and indirect costs to the customer entity, and prohibits~~

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

235 ~~the subsidization of one customer entity's costs by another~~  
236 ~~entity.~~

237 ~~e. Has sufficient raised floor space, cooling, and~~  
238 ~~redundant power capacity, including uninterruptible power supply~~  
239 ~~and backup power generation, to accommodate the computer~~  
240 ~~processing platforms and support necessary to host the computing~~  
241 ~~requirements of additional customer entities.~~

242 ~~8. Removing a nonstate data center from primary data~~  
243 ~~center designation if the nonstate data center fails to meet~~  
244 ~~standards necessary to ensure that the state's data is~~  
245 ~~maintained pursuant to subparagraph 7.~~

246 (3) STATE AGENCY DUTIES.—

247 (a) For the purpose of completing its work activities as  
248 described in subsection (1), each state agency shall provide to  
249 the Agency for Enterprise Information Technology all requested  
250 information and any other information relevant to the agency's  
251 ability to effectively transition its computer services into a  
252 primary data center. The agency shall also participate as  
253 required in workgroups relating to specific consolidation  
254 planning and implementation tasks as assigned by the Agency for  
255 Enterprise Information Technology and determined necessary to  
256 accomplish consolidation goals.

257 (b) Each state agency shall submit to the Agency for  
258 Enterprise Information Technology information relating to its  
259 data centers and computing facilities as required in  
260 instructions issued by July 1 of each year by the Agency for  
261 Enterprise Information Technology. The information required may  
262 include:

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

- 263 1. Amount of floor space used and available.  
264 2. Numbers and capacities of mainframes and servers.  
265 3. Storage and network capacity.  
266 4. Amount of power used and the available capacity.  
267 5. Estimated expenditures by service area, including  
268 hardware and software, numbers of full-time equivalent  
269 positions, personnel turnover, and position reclassifications.  
270 6. A list of contracts in effect for the fiscal year,  
271 including, but not limited to, contracts for hardware, software  
272 and maintenance, including the expiration date, the contract  
273 parties, and the cost of the contract.  
274 7. Service-level agreements by customer entity.  
275 ~~(e) The chief information officer of each state agency~~  
276 ~~shall assist the Agency for Enterprise Information Technology at~~  
277 ~~the request of the Agency for Enterprise Information Technology.~~  
278 (c)-(d) Each state agency customer of a primary data center  
279 shall notify the data center, by May 31 and November 30 of each  
280 year, of any significant changes in anticipated utilization of  
281 data center services pursuant to requirements established by the  
282 boards of trustees of each primary data center.  
283 (4) SCHEDULE FOR AGENCY DATA CENTER CONSOLIDATION.-  
284 (a) State agency data center consolidations shall be made  
285 in accordance with budget adjustments contained in the General  
286 Appropriations Act no later than the date provided and to the  
287 specified primary data center as provided in this subsection.  
288 (b) For consolidation during fiscal year 2011-2012 into  
289 the Northwest Regional Data Center:

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

290 1. College Center for Library Automation (CCLA) no later  
291 than December 31, 2011.

292 2. Florida Center for Library Automation (FCLA) no later  
293 than December 31, 2011.

294 3. Department of Education no later than December 31,  
295 2011, including the computing services and resources of:

296 a. The Knott Data Center located in the Turlington  
297 Building.

298 b. The Division of Blind Services.

299 c. The Division of Vocational Rehabilitation.

300 d. FCAT Explorer.

301 e. FACTS.org.

302  
303 Such consolidations are contingent upon the Agency for  
304 Enterprise Information Technology's completion of a cost-benefit  
305 analysis to determine whether additional savings can be  
306 achieved. The cost-benefit analysis shall compare the costs and  
307 savings estimates provided by the Northwest Regional Data  
308 Center, the Northwood Shared Resource Center, and the Southwood  
309 Shared Resource Center for the consolidation of the College  
310 Center for Library Automation, the Florida Center for Library  
311 Automation, and the Department of Education to their respective  
312 data centers. The cost-benefit analysis shall be submitted no  
313 later than August 1, 2011, to the Executive Office of the  
314 Governor and the chairs of the House Appropriations Committee  
315 and the Senate Budget Committee. Any actions recommended as a  
316 result of the cost-benefit analysis are subject to the notice,  
317 review, and objection requirements of s. 216.177.

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

318 (c) For consolidation during fiscal year 2011-2012 into  
319 the Southwood Shared Resource Center:

320 1. The Department of Corrections no later than September  
321 30, 2011.

322 2. The Department of Transportation Survey and Mapping  
323 Office no later than March 31, 2012.

324 3. The Department of Transportation Burns Office Building  
325 no later than March 31, 2012.

326 (d) For consolidation during fiscal year 2011-2012 into  
327 the Northwood Shared Resource Center:

328 1. The Department of Transportation Motor Carrier  
329 Compliance Office no later than July 1, 2011.

330 2. The Department of Highway Safety and Motor Vehicles no  
331 later than March 31, 2012.

332 (e) For consolidation during fiscal year 2012-2013 into  
333 the Southwood Shared Resource Center:

334 1. The Department of Community Affairs, including the  
335 Division of Emergency Management, no later than September 30,  
336 2012.

337 2. The Department of Revenue Carlton Building and Taxworld  
338 Building L locations no later than September 30, 2012.

339 3. The Department of Health Test and Development Lab and  
340 all remaining data center resources no later than December 31,  
341 2012.

342 (f) For consolidation during fiscal year 2012-2013 into  
343 the Northwood Shared Resource Center:

344 1. The Agency for Health Care Administration no later than  
345 July 1, 2012.

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

346 2. The Department of Environmental Protection no later  
347 than December 31, 2012.

348 3. The Department of Law Enforcement no later than March  
349 30, 2013.

350 (g) The following agencies shall work with the Agency for  
351 Enterprise Information Technology to begin preliminary planning  
352 for consolidation of their data centers into a primary data  
353 center during fiscal year 2013-2014:

354 1. The Department of the Lottery.

355 2. The Department of Legal Affairs.

356 3. The Fish and Wildlife Conservation Commission.

357 4. The Executive Office of the Governor, excluding all  
358 resources, equipment, and applications supported within the  
359 Legislative Appropriations System/Planning and Budget Subsystem.

360 5. The Department of Veterans' Affairs.

361 6. The Department of Elderly Affairs.

362 7. The Department of Financial Services Hartman, Larson,  
363 and Fletcher Buildings data centers.

364 8. The Department of Agriculture and Consumer Services  
365 Agriculture Management Information Center in the Mayo Building  
366 and the Division of Licensing.

367 (h) The following agencies shall work with the Agency for  
368 Enterprise Information Technology to begin preliminary planning  
369 for consolidation of their data centers into a primary data  
370 center during fiscal year 2014-2015:

371 1. The Department of Health Jacksonville Lab Data Center.

372 2. The Department of Transportation District, Toll,  
373 Materials Office.

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

374 3. The Department of Military Affairs Camp Blanding Joint  
375 Training Center, Starke.

376 4. The Department of Community Affairs Camp Blanding  
377 Emergency Operations Center, Starke.

378 5. The Department of Education Division of Blind Services,  
379 Disaster Recovery site, Daytona Beach.

380 6. The Department of Education Disaster Recovery site,  
381 Sante Fe College.

382 7. The Department of the Lottery Disaster Recovery Backup  
383 Data Center, Orlando.

384 8. The Fish and Wildlife Conservation Commission Research  
385 Institute, St. Petersburg.

386 9. The Department of Children and Family Services Suncoast  
387 Data Center, Tampa.

388 10. The Department of Children and Family Services Florida  
389 State Hospital, Chattahoochee.

390 (i) All computing facilities as defined in s. 282.0041 or  
391 groups of servers remaining in an agency shall be transferred to  
392 a primary data center for consolidation during fiscal year 2015-  
393 2016 unless required to remain in the agency for specific  
394 business reasons.

395 (j) All agencies consolidating data centers into a primary  
396 data center shall execute a new or update an existing service-  
397 level agreement no later than 60 days after the identified  
398 consolidation date, as required by s. 282.203, that specifies  
399 the services and levels of services the agency is to receive  
400 from the primary data center as a result of the consolidation.

401 Any agency that is unable to execute the service-level agreement

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

402 by the required date must submit a report to the Executive  
403 Office of the Governor and to the chairs of the House  
404 Appropriations Committee and the Senate Budget Committee within  
405 5 working days after such date that explains the specific issues  
406 preventing execution and describing the agency's plan and  
407 schedule for resolving the issues.

408 (k) Beginning September 1, 2011, and every 6 months  
409 thereafter, until all data center consolidations are complete,  
410 the Agency for Enterprise Information Technology shall provide a  
411 status report on the implementation of consolidation required to  
412 be completed during the fiscal year. The report shall be  
413 submitted to the Executive Office of the Governor and the chairs  
414 of the House Appropriations Committee and the Senate Budget  
415 Committee. The status report shall describe:

416 1. Whether the consolidation is on schedule, including the  
417 progress on achieving milestones necessary for successful and  
418 timely consolidation of scheduled agency data centers and  
419 computing facilities; and

420 2. Risks that may affect the progress or outcomes of the  
421 consolidation and how such risks are being addressed, mitigated,  
422 or managed.

423 (l) Each agency identified in this subsection for  
424 consolidation into a primary data center must submit a  
425 transition plan to the Agency for Enterprise Information  
426 Technology not later than September 1 of the fiscal year prior  
427 to its scheduled consolidation. Transition plans shall be  
428 developed in consultation with the appropriate primary data

781675

Approved For Filing: 4/5/2011 1:58:39 PM



Amendment No.

429 center and the Agency for Enterprise Information Technology and  
430 must include:

431 1. An inventory of all resources of the agency data center  
432 being consolidated, including all hardware, software, staff,  
433 contracted services, and facility resources performing data  
434 center management and operations, security, backup and recovery,  
435 disaster recovery, system administration, database  
436 administration, system programming, job control, production  
437 control, print, storage, technical support, help desk, and  
438 managed services, excluding application development.

439 2. A description of the level of services needed to meet  
440 the technical and operational requirements of the platforms  
441 being consolidated and a cost estimate for the primary data  
442 center's provision of such services.

443 3. A description of resources for computing services  
444 proposed to remain in the department.

445 4. A timetable with significant milestones for the  
446 completion of the consolidation.

447 5. The fiscal year adjustments to budget categories  
448 currently supporting agency costs to accomplish the transfer of  
449 sufficient budget resources into the appropriate data processing  
450 category pursuant to the legislative budget request instructions  
451 provided in s. 216.023.

452 (m) Each primary data center shall develop a transition  
453 plan for absorbing the transfer of agency data center resources  
454 based upon the timetables for transition as provided in this  
455 subsection. The plan shall be submitted to the Agency for  
456 Enterprise Information Technology no later than September 30 of  
781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

457 the fiscal year prior to the scheduled consolidation. Each plan  
458 shall include:

459 1. An estimate of the cost of providing data center  
460 services for each agency scheduled for consolidation.

461 2. A staffing plan that identifies the projected staffing  
462 needs and requirements based on the estimated workload  
463 identified in the agency transition plans.

464 3. An analysis of the cost impacts to existing agency  
465 customers resulting from the planned consolidations.

466 4. The fiscal year adjustments to budget categories to  
467 absorb the transfer of agency data center resources pursuant to  
468 the legislative budget request instructions provided in s.  
469 216.023.

470 5. A description of any issues that must be resolved to  
471 accomplish all consolidations required during the fiscal year as  
472 efficiently and effectively as possible.

473 (n) The Agency for Enterprise Information Technology shall  
474 develop a comprehensive transition plan, which shall be  
475 submitted no later than October 15 of the fiscal year prior to  
476 the scheduled consolidations to the Executive Office of the  
477 Governor and the chairs of the House Appropriations Committee  
478 and the Senate Budget Committee. The comprehensive transition  
479 plan shall be developed in consultation with the agencies  
480 submitting their agency transition plans and the affected  
481 primary data center. The comprehensive transition plan shall  
482 include:

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

483 1. Recommendations for accomplishing the proposed  
484 consolidations as efficiently and effectively as possible with  
485 minimal disruption to the agency's business processes.

486 2. Strategies to minimize risks associated with any of the  
487 proposed consolidations.

488 3. A compilation of the agency transition plans scheduled  
489 for consolidation in the following fiscal year.

490 4. Revisions to any budget adjustments provided in the  
491 agency or primary data center transition plans pursuant to the  
492 legislative budget request instructions provided in s. 216.023.

493 (5) ~~(4)~~ AGENCY LIMITATIONS.-

494 (a) Unless authorized by the Legislature or as provided in  
495 paragraphs (b) and (c), a state agency may not:

496 1. Create a new computing facility or data center, ~~or~~  
497 expand the capability to support additional computer equipment  
498 in an existing computing facility or nonprimary data center, or  
499 purchase equipment or other resources necessary to expand the  
500 capabilities of the agency data center;

501 2. Expend funds prior to the agency's scheduled  
502 consolidation into a primary data center for the purchase or  
503 modification of hardware or operations software that do not  
504 comply with the standards established for efficient  
505 consolidation and without consultation with the primary data  
506 center;

507 3.2. Transfer existing computer services to a nonprimary  
508 data center or computing facility, including outsourced computer  
509 service providers;

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

510 ~~4.3.~~ Terminate services with a primary data center or  
511 transfer services between primary data centers without giving  
512 written notice of intent to terminate or transfer services 180  
513 days before such termination or transfer and completing a cost-  
514 benefit analysis that documents that the requested transfer will  
515 not increase the agency's data center costs; or

516 ~~5.4.~~ Initiate a new computer service ~~if it does not~~  
517 ~~currently have an internal data center~~ except with a primary  
518 data center.

519 (b) Exceptions to the limitations in subparagraphs (a)1.,  
520 2., 3., and 5. ~~4.~~ may be granted by the Agency for Enterprise  
521 Information Technology if there is insufficient capacity in a  
522 primary data center to absorb the workload associated with  
523 agency computing services.

524 1. A request for an exception must be submitted in writing  
525 to the Agency for Enterprise Information Technology. The agency  
526 must accept, accept with conditions, or deny the request within  
527 60 days after receipt of the written request. The agency's  
528 decision is not subject to chapter 120.

529 2. At a minimum, the agency may not approve a request  
530 unless it includes:

531 a. Documentation approved by the primary data center's  
532 board of trustees which confirms that the center cannot meet the  
533 capacity requirements of the agency requesting the exception  
534 within the current fiscal year.

535 b. A description of the capacity requirements of the  
536 agency requesting the exception.

781675

Approved For Filing: 4/5/2011 1:58:39 PM

Amendment No.

537 c. Documentation from the agency demonstrating why it is  
538 critical to the agency's mission that the expansion or transfer  
539 must be completed within the fiscal year rather than when  
540 capacity is established at a primary data center.

541 (c) Exceptions to subparagraph (a) ~~4.3~~ may be granted by  
542 the board of trustees of the primary data center if the  
543 termination or transfer of services can be absorbed within the  
544 current cost-allocation plan.

545 (d) Upon the termination of or transfer of agency  
546 computing services from the primary data center, the primary  
547 data center shall require information sufficient to determine  
548 compliance with this section. If a primary data center  
549 determines that an agency is in violation of this section, it  
550 shall report the violation to the Agency for Enterprise  
551 Information Technology.

552 ~~(6)~~ ~~(5)~~ RULES.—The Agency for Enterprise Information  
553 Technology is authorized to adopt rules pursuant to ss.  
554 120.536(1) and 120.54 to administer the provisions of this part  
555 relating to the state data center system including the primary  
556 data centers.

557 Section 6. Subsection (1) and paragraph (a) of subsection  
558 (2) of section 282.203, Florida Statutes, are amended to read:  
559 282.203 Primary data centers.—

560 (1) DATA CENTER DUTIES.—Each primary data center shall:

561 (a) Serve customer entities as an information-system  
562 utility.

563 (b) Cooperate with customer entities to offer, develop,  
564 and support the services and applications as defined and

781675

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Amendment No.

565 provided by the center's board of trustees and customer  
566 entities.

567 (c) Comply with standards and rules adopted by the Agency  
568 for Enterprise Information Technology, pursuant to this section,  
569 and coordinate with the agency in the consolidation of data  
570 centers.

571 (d) Provide transparent financial statements to customer  
572 entities, the center's board of trustees, and the Agency for  
573 Enterprise Information Technology. The financial statements  
574 shall be provided as follows:

575 1. Annually, by July 30 for the current fiscal year and by  
576 December 1 for the subsequent fiscal year, the data center must  
577 provide the total annual budgeted costs by major expenditure  
578 category, including, but not limited to, salaries, expense,  
579 operating capital outlay, contracted services, or other  
580 personnel services, which directly relate to the provision of  
581 each service and which separately indicate the administrative  
582 overhead allocated to each service.

583 2. Annually, by July 30 for the current fiscal year and by  
584 December 1 for the subsequent fiscal year, the data center must  
585 provide total projected billings for each customer entity which  
586 are required to recover the costs of the data center.

587 3. Annually, by January 31, the data center must provide  
588 updates of the financial statements required under subparagraphs  
589 1. and 2. for the current fiscal year.

590 4. By February 15, for proposed legislative budget  
591 increases, the data center must provide updates of the financial

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Amendment No.

592 statements required under subparagraphs 1. and 2. for the  
593 subsequent fiscal year.

594

595 The financial information required under subparagraphs 1., 2.,  
596 and 3. must be based on current law and current appropriations.

597 (e) Annually, by October 1, submit to the board of  
598 trustees cost-reduction proposals, including strategies and  
599 timetables for lowering customer entities' costs without  
600 reducing the level of services.

601 ~~(f) By December 31, 2010, submit organizational plans that~~  
602 ~~minimize the annual recurring cost of center operations and~~  
603 ~~eliminate the need for state agency customers to maintain data~~  
604 ~~center skills and staff within their agency. The plans shall:~~

605 ~~1. Establish an efficient organizational structure~~  
606 ~~describing the roles and responsibilities of all positions and~~  
607 ~~business units in the centers;~~

608 ~~2. Define a human resources planning and management~~  
609 ~~process that shall be used to make required center staffing~~  
610 ~~decisions; and~~

611 ~~3. Develop a process for projecting staffing requirements~~  
612 ~~based on estimated workload identified in customer agency~~  
613 ~~service level agreements.~~

614 ~~(f)(g)~~ Maintain the performance of the facility, which  
615 includes ensuring proper data backup, data backup recovery, an  
616 effective disaster recovery plan, and appropriate security,  
617 power, cooling and fire suppression, and capacity.

618 ~~(g)(h)~~ Develop a business continuity plan and conduct a  
619 live exercise of the plan at least annually. The plan must be  
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Amendment No.

620 approved by the board and the Agency for Enterprise Information  
621 Technology.

622 ~~(h)-(i)~~ Enter into a service-level agreement with each  
623 customer entity to provide services as defined and approved by  
624 the board in compliance with rules of the Agency for Enterprise  
625 Information Technology. A service-level agreement may not have a  
626 term exceeding 3 years but may include an option to renew for up  
627 to 3 years contingent on approval by the board.

628 1. A service-level agreement, at a minimum, must:

629 a. Identify the parties and their roles, duties, and  
630 responsibilities under the agreement;

631 b. Identify the legal authority under which the service-  
632 level agreement was negotiated and entered into by the parties;

633 c. State the duration of the contractual term and specify  
634 the conditions for contract renewal;

635 d. Prohibit the transfer of computing services between  
636 primary data center facilities without at least 180 days' notice  
637 of service cancellation;

638 e. Identify the scope of work;

639 f. Identify the products or services to be delivered with  
640 sufficient specificity to permit an external financial or  
641 performance audit;

642 g. Establish the services to be provided, the business  
643 standards that must be met for each service, the cost of each  
644 service, and the process by which the business standards for  
645 each service are to be objectively measured and reported;

646 h. Identify applicable funds and funding streams for the  
647 services or products under contract;

781675

Approved For Filing: 4/5/2011 1:58:39 PM



Amendment No.

648 i. Provide a timely billing methodology for recovering the  
649 cost of services provided to the customer entity;

650 j. Provide a procedure for modifying the service-level  
651 agreement to address changes in projected costs of service;

652 k. Provide that a service-level agreement may be  
653 terminated by either party for cause only after giving the other  
654 party and the Agency for Enterprise Information Technology  
655 notice in writing of the cause for termination and an  
656 opportunity for the other party to resolve the identified cause  
657 within a reasonable period; and

658 1. Provide for mediation of disputes by the Division of  
659 Administrative Hearings pursuant to s. 120.573.

660 2. A service-level agreement may include:

661 a. A dispute resolution mechanism, including alternatives  
662 to administrative or judicial proceedings; or

663 ~~b. The setting of a surety or performance bond for~~  
664 ~~service-level agreements entered into with nonstate agency~~  
665 ~~primary data centers, which may be designated by the Agency for~~  
666 ~~Enterprise Information Technology; or~~

667 b.e. Additional terms and conditions as determined  
668 advisable by the parties if such additional terms and conditions  
669 do not conflict with the requirements of this section or rules  
670 adopted by the Agency for Enterprise Information Technology.

671 3. The failure to execute a service-level agreement within  
672 60 days after service commencement shall, in the case of an  
673 existing customer entity, result in a continuation of the terms  
674 of the service-level agreement from the prior fiscal year,  
675 including any amendments that were formally proposed to the  
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Amendment No.

676 customer entity by the primary data center within the 3 months  
677 before service commencement, and a revised cost-of-service  
678 estimate. If a new customer entity fails to execute an agreement  
679 within 60 days after service commencement, the data center may  
680 cease services.

681 ~~(i)-(j)~~ Plan, design, establish pilot projects for, and  
682 conduct experiments with information technology resources, and  
683 implement enhancements in services if such implementation is  
684 cost-effective and approved by the board.

685 ~~(j)-(k)~~ Enter into a memorandum of understanding with the  
686 agency where the primary data center is administratively located  
687 which establishes the services to be provided by that agency to  
688 the primary data center and the cost of such services.

689 ~~(k)-(l)~~ Be the custodian of resources and equipment that  
690 are located, operated, supported, and managed by the center for  
691 the purposes of chapter 273, except resources and equipment  
692 located, operated, supported, and managed by Northwest Regional  
693 Data Center.

694 (l) Assume administrative access rights to the resources  
695 and equipment, such as servers, network components, and other  
696 devices, that are consolidated into the primary data center.  
697 Upon the date of each consolidation specified in s. 282.201 or  
698 as provided in the General Appropriations Act, each agency shall  
699 relinquish all administrative access rights. Each primary data  
700 center shall provide its customer agencies with the appropriate  
701 level of access to applications, servers, network components,  
702 and other devices necessary for the agency to perform core  
703 business activities and functions.

781675

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Amendment No.

704 (2) BOARD OF TRUSTEES.—Each primary data center shall be  
705 headed by a board of trustees as defined in s. 20.03.

706 (a) The members of the board shall be appointed by the  
707 agency head or chief executive officer of the representative  
708 customer entities of the primary data center and shall serve at  
709 the pleasure of the appointing customer entity.

710 1. During the fiscal year prior to its consolidation into  
711 a primary data center and for the following full fiscal year, an  
712 agency shall have a single trustee having one vote on the board  
713 of the primary data center into which it is to consolidate,  
714 unless in the second year it is entitled to a greater number of  
715 votes as provided in subparagraphs 3. and 4. For each of the  
716 first 2 fiscal years that a center is in operation, membership  
717 shall be as provided in subparagraph 3. based on projected  
718 customer entity usage rates for the fiscal operating year of the  
719 primary data center. However, at a minimum:

720 a. ~~During the Southwood Shared Resource Center's first 2~~  
721 ~~operating years, the Department of Transportation, the~~  
722 ~~Department of Highway Safety and Motor Vehicles, the Department~~  
723 ~~of Health, and the Department of Revenue must each have at least~~  
724 ~~one trustee.~~

725 b. ~~During the Northwood Shared Resource Center's first~~  
726 ~~operating year, the Department of State and the Department of~~  
727 ~~Education must each have at least one trustee.~~

728 2. Board ~~After the second full year of operation,~~  
729 membership shall be as provided in subparagraph 3. based on the  
730 most recent estimate of customer entity usage rates for the  
731 prior year and a projection of usage rates for the first 9  
781675

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Amendment No.

732 months of the next fiscal year. Such calculation must be  
733 completed before the annual budget meeting held before the  
734 beginning of the next fiscal year so that any decision to add or  
735 remove board members can be voted on at the budget meeting and  
736 become effective on July 1 of the subsequent fiscal year.

737 3. Each customer entity that has a projected usage rate of  
738 4 percent or greater during the fiscal operating year of the  
739 primary data center shall have one trustee on the board.

740 4. The total number of votes for each trustee shall be  
741 apportioned as follows:

742 a. Customer entities of a primary data center whose usage  
743 rate represents 4 but less than 15 percent of total usage shall  
744 have one vote.

745 b. Customer entities of a primary data center whose usage  
746 rate represents 15 but less than 30 percent of total usage shall  
747 have two votes.

748 c. Customer entities of a primary data center whose usage  
749 rate represents 30 but less than 50 percent of total usage shall  
750 have three votes.

751 d. A customer entity of a primary data center whose usage  
752 rate represents 50 percent or more of total usage shall have  
753 four votes.

754 e. A single trustee having one vote shall represent those  
755 customer entities that represent less than 4 percent of the  
756 total usage. The trustee shall be selected by a process  
757 determined by the board.

758 Section 7. Section 282.206, Florida Statutes, is created  
759 to read:

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Amendment No.

760        282.206 Northwest Regional Data Center.—Northwest Regional  
761 Data Center is designated as a primary data center as defined in  
762 s. 282.0041. The center shall be managed by a board of trustees  
763 as provided in s. 282.203, who shall comply with all  
764 requirements of that section related to the operation of the  
765 center and with the rules of the Agency for Enterprise  
766 Information Technology relating to primary data centers.

767        Section 8. Sections 282.3055 and 282.315, Florida  
768 Statutes, are repealed.

769        Section 9. Subsections (3) through (7) of section 282.318,  
770 Florida Statutes, are amended to read:

771        282.318 Enterprise security of data and information  
772 technology.—

773        (3) ~~The Office of Information Security within the Agency~~  
774 ~~for Enterprise Information Technology is responsible for~~  
775 ~~establishing rules and publishing guidelines for ensuring an~~  
776 ~~appropriate level of security for all data and information~~  
777 ~~technology resources for executive branch agencies. The Agency~~  
778 ~~for Enterprise Information Technology office shall also perform~~  
779 ~~the following duties and responsibilities:~~

780        (a) Develop, and annually update by February 1, an  
781 enterprise information security strategic plan that includes  
782 security goals and objectives for the strategic issues of  
783 information security policy, risk management, training, incident  
784 management, and survivability planning.

785        (b) Develop enterprise security rules and published  
786 guidelines for:

781675

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Amendment No.

- 787 1. Comprehensive risk analyses and information security  
788 audits conducted by state agencies.
- 789 2. Responding to suspected or confirmed information  
790 security incidents, including suspected or confirmed breaches of  
791 personal information or exempt data.
- 792 3. Agency security plans, including strategic security  
793 plans and security program plans.
- 794 4. The recovery of information technology and data  
795 following a disaster.
- 796 5. The managerial, operational, and technical safeguards  
797 for protecting state government data and information technology  
798 resources.
- 799 (c) Assist agencies in complying with ~~the provisions of~~  
800 this section.
- 801 (d) Pursue appropriate funding for the purpose of  
802 enhancing domestic security.
- 803 (e) Provide training for agency information security  
804 managers.
- 805 (f) Annually review the strategic and operational  
806 information security plans of executive branch agencies.
- 807 (4) To assist the Agency for Enterprise Information  
808 Technology ~~Office of Information Security~~ in carrying out its  
809 responsibilities, each agency head shall, at a minimum:
- 810 (a) Designate an information security manager to  
811 administer the security program of the agency for its data and  
812 information technology resources. This designation must be  
813 provided annually in writing to the Agency for Enterprise  
814 Information Technology ~~office~~ by January 1.

781675

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Amendment No.

815 (b) Submit to the Agency for Enterprise Information  
816 Technology, office annually by July 31, the agency's strategic  
817 and operational information security plans developed pursuant to  
818 the rules and guidelines established by the Agency for  
819 Enterprise Information Technology office.

820 1. The agency strategic information security plan must  
821 cover a 3-year period and define security goals, intermediate  
822 objectives, and projected agency costs for the strategic issues  
823 of agency information security policy, risk management, security  
824 training, security incident response, and survivability. The  
825 plan must be based on the enterprise strategic information  
826 security plan created by the Agency for Enterprise Information  
827 Technology office. Additional issues may be included.

828 2. The agency operational information security plan must  
829 include a progress report for the prior operational information  
830 security plan and a project plan that includes activities,  
831 timelines, and deliverables for security objectives that,  
832 subject to current resources, the agency will implement during  
833 the current fiscal year. The cost of implementing the portions  
834 of the plan which cannot be funded from current resources must  
835 be identified in the plan.

836 (c) Conduct, and update every 3 years, a comprehensive  
837 risk analysis to determine the security threats to the data,  
838 information, and information technology resources of the agency.  
839 The risk analysis information is confidential and exempt from  
840 ~~the provisions of s. 119.07(1)~~, except that such information  
841 shall be available to the Auditor General and the Agency for

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Amendment No.

842 Enterprise Information Technology for performing postauditing  
843 duties.

844 (d) Develop, and periodically update, written internal  
845 policies and procedures, which include procedures for notifying  
846 the Agency for Enterprise Information Technology ~~office~~ when a  
847 suspected or confirmed breach, or an information security  
848 incident, occurs. Such policies and procedures must be  
849 consistent with the rules and guidelines established by the  
850 Agency for Enterprise Information Technology ~~office~~ to ensure  
851 the security of the data, information, and information  
852 technology resources of the agency. The internal policies and  
853 procedures that, if disclosed, could facilitate the unauthorized  
854 modification, disclosure, or destruction of data or information  
855 technology resources are confidential information and exempt  
856 from s. 119.07(1), except that such information shall be  
857 available to the Auditor General and the Agency for Enterprise  
858 Information Technology for performing postauditing duties.

859 (e) Implement appropriate cost-effective safeguards to  
860 address identified risks to the data, information, and  
861 information technology resources of the agency.

862 (f) Ensure that periodic internal audits and evaluations  
863 of the agency's security program for the data, information, and  
864 information technology resources of the agency are conducted.  
865 The results of such audits and evaluations are confidential  
866 information and exempt from s. 119.07(1), except that such  
867 information shall be available to the Auditor General and the  
868 Agency for Enterprise Information Technology for performing  
869 postauditing duties.

781675

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Amendment No.

870 (g) Include appropriate security requirements in the  
871 written specifications for the solicitation of information  
872 technology and information technology resources and services,  
873 which are consistent with the rules and guidelines established  
874 by the Agency for Enterprise Information Technology office.

875 (h) Provide security awareness training to employees and  
876 users of the agency's communication and information resources  
877 concerning information security risks and the responsibility of  
878 employees and users to comply with policies, standards,  
879 guidelines, and operating procedures adopted by the agency to  
880 reduce those risks.

881 (i) Develop a process for detecting, reporting, and  
882 responding to suspected or confirmed security incidents,  
883 including suspected or confirmed breaches consistent with the  
884 security rules and guidelines established by the Agency for  
885 Enterprise Information Technology office.

886 1. Suspected or confirmed information security incidents  
887 and breaches must be immediately reported to the Agency for  
888 Enterprise Information Technology office.

889 2. For incidents involving breaches, agencies shall  
890 provide notice in accordance with s. 817.5681 and to the Agency  
891 for Enterprise Information Technology office in accordance with  
892 this subsection.

893 (5) Each state agency shall include appropriate security  
894 requirements in the specifications for the solicitation of  
895 contracts for procuring information technology or information  
896 technology resources or services which are consistent with the

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Amendment No.

897 rules and guidelines established by the Agency for Enterprise  
898 Information Technology Office of Information Security.

899 (6) The Agency for Enterprise Information Technology may  
900 adopt rules relating to information security and to administer  
901 ~~the provisions of~~ this section.

902 ~~(7) By December 31, 2010, the Agency for Enterprise~~  
903 ~~Information Technology shall develop, and submit to the~~  
904 ~~Governor, the President of the Senate, and the Speaker of the~~  
905 ~~House of Representatives a proposed implementation plan for~~  
906 ~~information technology security. The agency shall describe the~~  
907 ~~scope of operation, conduct costs and requirements analyses,~~  
908 ~~conduct an inventory of all existing security information~~  
909 ~~technology resources, and develop strategies, timeframes, and~~  
910 ~~resources necessary for statewide migration.~~

911 Section 10. Subsection (5) of section 282.34, Florida  
912 Statutes, is amended to read:

913 282.34 Statewide e-mail service.—A state e-mail system  
914 that includes the delivery and support of e-mail, messaging, and  
915 calendaring capabilities is established as an enterprise  
916 information technology service as defined in s. 282.0041. The  
917 service shall be designed to meet the needs of all executive  
918 branch agencies. The primary goals of the service are to  
919 minimize the state investment required to establish, operate,  
920 and support the statewide service; reduce the cost of current e-  
921 mail operations and the number of duplicative e-mail systems;  
922 and eliminate the need for each state agency to maintain its own  
923 e-mail staff.

781675

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Amendment No.

924 (5) In order to develop the implementation plan for the  
925 statewide e-mail service, the Agency for Enterprise Information  
926 Technology shall establish and coordinate a statewide e-mail  
927 project team. The agency shall also consult with and, as  
928 necessary, form workgroups consisting of agency e-mail  
929 management staff, ~~agency chief information officers,~~ agency  
930 budget directors, and other administrative staff. The statewide  
931 e-mail implementation plan must be submitted to the Governor,  
932 the President of the Senate, and the Speaker of the House of  
933 Representatives by July 1, 2011.

934 Section 11. Paragraph (h) of subsection (3) and paragraph  
935 (b) of subsection (4) of section 287.042, Florida Statutes, are  
936 amended to read:

937 287.042 Powers, duties, and functions.—The department  
938 shall have the following powers, duties, and functions:

939 (3) To establish a system of coordinated, uniform  
940 procurement policies, procedures, and practices to be used by  
941 agencies in acquiring commodities and contractual services,  
942 which shall include, but not be limited to:

943 (h) ~~Development, in consultation with the Agency Chief~~  
944 ~~Information Officers Council,~~ of procedures to be used by state  
945 agencies when procuring information technology commodities and  
946 contractual services to ensure compliance with public records  
947 requirements and records retention and archiving requirements.

948 (4)

949 (b) To prescribe, ~~in consultation with the Agency Chief~~  
950 ~~Information Officers Council,~~ procedures for procuring  
951 information technology and information technology consultant

781675

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Amendment No.

952 services which provide for public announcement and  
953 qualification, competitive solicitations, contract award, and  
954 prohibition against contingent fees. Such procedures shall be  
955 limited to information technology consultant contracts for which  
956 the total project costs, or planning or study activities, are  
957 estimated to exceed the threshold amount provided for in s.  
958 287.017, for CATEGORY TWO.

959 Section 12. This act shall take effect July 1, 2011.

960  
961  
962 -----  
963 **T I T L E A M E N D M E N T**

964 Remove the entire title and insert:

965 A bill to be entitled

966 An act relating to the Agency for Enterprise Information  
967 Technology; amending s. 14.204, F.S.; revising duties and  
968 responsibilities of the agency; removing provisions for  
969 the Office of Information Security and the Agency Chief  
970 Information Officers Council; amending s. 20.315, F.S.,  
971 relating to the Department of Corrections; providing for  
972 the department's data system to be managed through the  
973 department's Office of Information Technology; removing  
974 reference to the Justice Data Center; amending s.  
975 282.0041, F.S.; removing the definitions of the terms  
976 "agency chief information officer" and "Agency Chief  
977 Information Officers Council"; revising the definition of  
978 the term "primary data center"; amending s. 282.0056,  
979 F.S.; revising requirements for development of an annual

781675

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Amendment No.

980 work plan by the agency; amending s. 282.201, F.S.;

981 revising duties of the agency; providing for submission of

982 certain recommendations to the Executive Office of the

983 Governor, the Legislature, and primary data centers;

984 removing a provision for an overall consolidation plan;

985 revising provisions for adoption of rules by the agency;

986 requiring publication of notice; revising duties of state

987 agencies; providing a schedule for state agency data

988 center consolidation; providing conditions for

989 consolidations; requiring the agency to make certain

990 reports; requiring development of transition plans;

991 amending s. 282.203, F.S.; revising duties of primary data

992 centers; revising provisions for service-level agreements;

993 revising provisions for membership of boards of trustees

994 of primary data centers; creating s. 282.206, F.S.;

995 designating the Northwest Regional Data Center as a

996 primary data center; repealing s. 282.3055, F.S., relating

997 to agency chief information officers; repealing s.

998 282.315, F.S., relating to the Agency Chief Information

999 Officers Council; amending s. 282.318, F.S., relating to

1000 enterprise security of data and information technology;

1001 conforming to changes made by the act; deleting an

1002 obsolete provision; amending ss. 282.34 and 287.042, F.S.,

1003 relating to statewide e-mail service and powers, duties,

1004 and functions of the Department of Management Services,

1005 respectively; conforming provisions to changes made by the

1006 act; providing an effective date.

781675

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